

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
MATTHEW TESLA,	:	
	:	
Plaintiff,	:	24-cv-8901 (VEC)
	:	
-against-	:	<u>ORDER</u>
	:	
DRGUT PELINKOVIC, ELVIRA PELINKOVIC,	:	
LJUMNI PELINKOVIC, and CROTONA AVENUE	:	
BUILDERS, LLC,	:	
	:	
Defendants.	:	
	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on February 7, 2025, Plaintiff filed the Amended Complaint (Dkt. 15);

WHEREAS the Amended Complaint alleges that this Court has subject matter jurisdiction because the parties are diverse. Am. Compl. ¶ 19;

WHEREAS the Amended Complaint added multiple new defendants, including Defendant Crotona Avenue Builders, LLC;

WHEREAS “a limited liability company has the citizenship of its members.” *See Jean-Louis v. Carrington Mortg. Servs., LLC*, 849 F. App’x 296, 298 (2d Cir. 2021);

WHEREAS a complaint premised upon diversity of citizenship must allege the citizenship of natural persons who are members of an LLC and the place of incorporation and principal place of business of any corporate entities that are members of the LLC (including the citizenship of any members of the LLC that are themselves LLCs). *See Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51–52 (2d Cir. 2000);

WHEREAS the Amended Complaint alleges that Defendant Crotona Avenue Builders, LLC is a limited liability company organized under the laws of the State of New York and has its principal place of business in Bronx County, New York, but makes no allegations as to the identity of its members or their citizenship. Am. Compl. ¶ 17;

WHEREAS on February 13, 2025, Defendant filed a motion to dismiss the Amended Complaint (Dkt. 24), but did not move on the basis of lack of subject matter jurisdiction;

WHEREAS on February 13, 2025, Plaintiff and Defendant Drgut Pelinkovic filed a joint letter and proposed case management plan (Dkts. 26–27);

WHEREAS on February 14, 2025, the Court ordered that the parties file a revised pre-conference joint letter and proposed case management plan, filed on behalf of *all* parties (including the newly added Defendants Elvira Pelinkovic, Ljumni Pelinkovic, and Crotona Avenue Builders, LLC) not later than March 13, 2025 (Dkt. 28);

WHEREAS on February 14, 2025, Defendants Elvira Pelinkovic, Ljumni Pelinkovic, and Crotona Avenue Builders, LLC filed waivers of service on the docket (Dkts. 29–31) signed by Andrew Zinman, who is also counsel for Defendant Drgut Pelinkovic;

WHEREAS on March 13, 2025, Plaintiff Matthew Tesla and Defendant Drgut Pelinkovic once again filed a joint letter and proposed case management plan (Dkts. 35–36), but failed to indicate whether Defendants Elvira Pelinkovic, Ljumni Pelinkovic, and Crotona Avenue Builders, LLC joined in the filing, and hence failed to comply with the Court’s February 14, 2025, Order (Dkt. 28); and

WHEREAS notices of appearance have not been filed on behalf of Defendants Elvira Pelinkovic, Ljumni Pelinkovic, and Crotona Avenue Builders, LLC.

IT IS HEREBY ORDERED that, not later than **Wednesday, March 19, 2025**, Plaintiff must file a Second Amended Complaint that incorporates allegations about the identity and citizenship of every member of Defendant Crotona Avenue Builders, LLC. Plaintiff must also include a redline of the Second Amended Complaint against the Amended Complaint to confirm that no other changes were made. Once filed, the Court will construe Defendant Drgut Pelinkovic's motion to dismiss the Amended Complaint (Dkt. 24) as a motion to dismiss the Second Amended Complaint, unless Mr. Pelinkovic indicates via letter (not later than Friday, March 21, 2025) that doing so would be inappropriate.

IT IS FURTHER ORDERED that, not later than **Wednesday, March 19, 2025**, the parties must file a revised joint letter and proposed case management plan in compliance with the Court's February 14, 2025, Order (Dkt. 28); that is, a filing "on behalf of all parties" in this action, including Defendants Elvira Pelinkovic, Ljumni Pelinkovic, and Crotona Avenue Builders, LLC. The parties are reminded that they cannot make filings if they have not appeared in the case. Therefore, to comply with this order, Defendants Elvira Pelinkovic, Ljumni Pelinkovic, and Crotona Avenue Builders, LLC must file notices of appearance prior to March 19, 2025.

IT IS FURTHER ORDERED that Plaintiff must send a copy of this order to Defendants Elvira Pelinkovic, Ljumni Pelinkovic, and Crotona Avenue Builders, LLC

SO ORDERED.

Date: March 14, 2025
New York, NY



VALERIE CAPRONI
United States District Judge